

FILED

MAY 19 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

EUGENIO FERNANDEZ-PEREZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-70212

Agency No. A18-223-756

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted May 9, 2006
Pasadena, California

Before: HAWKINS, GRABER, and PAEZ, Circuit Judges.

Petitioner Eugenio Fernandez-Perez petitions for review of a final order of the Board of Immigration Appeals ("BIA") insofar as it denied his request for deferral of removal under the Convention Against Torture ("CAT"). He does not ask us to review the portions of the order that denied his applications for asylum

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

and withholding of removal on the basis of his conviction of conspiracy to possess cocaine for distribution.

The BIA did not err in holding that Petitioner failed to prove entitlement to CAT relief. Petitioner has been away from Cuba for about 40 years and has had no significant involvement in anti-Castro activities for more than a decade. In the circumstances, a different result is not compelled. Farah v. Ashcroft, 348 F.3d 1153, 1156-57 (9th Cir. 2003).

PETITION DENIED.